IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.5073 OF 2005
WITH
WRIT PETITION NOS.4967, 4996 & 4997 OF 2005

W.P. 5073/05 :

Dr. Vikhe Patil Foundation. ...Petitioner.
Vs.
All India Council for Technical Education & Anr. ...Respondents.
....
Mr. C. J. Sawant, Senior Advocate with Mr. Nitin Deshmukh for the Petitioner.
Ms. Beena Menon for Respondent No.1.
Mr. A.A. Kumbhakoni, Associate Advocate General with Mr. V.P. Malvankar, AGP for Respondent No.2.
.....
W.P. 4967/05 :

Gokhale Education Society & Anr. ... Petitioners.
Vs.
Ms. Anuradha Gupta & Ors. ... Respondents
....
Mr. M.B. Mehere for the Petitioners.
Mr. A.A. Kumbhakoni, Associate Advocate General with Mr. V. P. Malvankar, AGP for Respondent No.1.
.....
W. P. 4996/05 :

Shri Chhatrapati Sambhaji Shikshan
Sanstha's Sitabai Thite College of Pharmacy. ...Petitioner.
Vs.
State of Maharashtra & Ors. ...Respondents.
....
W. P. 4997/05 :

Shirur Shikshan Prasarak Mandal's
Manikchand Dhariwal Institute of
Management and Rural Technology. ... Petitioner.

Vs.

State of Maharashtra & Ors. ... Respondents.

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Mr. V. A. Shastry for the Petitioner.
Mr.A. A. Kumbhakoni, Associate Advocate General for Respondent Nos.1 to 3.
Ms. Beena Menon for Respondent No.4.

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CORAM : A.P. SHAH AND
DR.D.Y.CHANDRACHUD, JJ.

August 4, 2005.

P.C.:

Heard Advocates.

2. This group of petitions relates to the admissions to various courses such as Engineering, Pharmacy, MB.A./M.M.S. and M. C. A. etc. These courses are regulated by All India Council for Technical Education (AICTE). The annual intake capacity of these institutions is determined by AICTE and Competent Authority appointed by the State, namely, Director of Technical Education (DTE), conducts admission process for granting admission to the State quota, that is, 80% in case of

Unaided Non-minority and 50% for Minority Unaided institutions. It appears that AICTE had filed Writ Petition No.3916 of 2001 taking exception to the information brochure published by the Directorate of Technical Education indicating Collegewise intake which was at variance with the actual intake approved by the AICTE. In that petition, a grievance was made by the State Government through the Learned Advocate General that there have been conflicting orders of AICTE whereby in the first instance the intake was determined which was subsequently reduced or increased and again reduced or increased resulting in the State of Maharashtra not being in a position to understand the exact intake capacity of the colleges. It was contended that such sudden changes effected make it unworkable for the DTE to smoothly conduct the admission process of these institutions. In the circumstances, this Court passed order in Writ Petition No.3916 of 2001 recording commitment by the AICTE not to effect any changes in the intake capacity of such institutions after the cut off date i.e. 30th June of each year.

3. In spite of the specific and unequivocal commitment, the AICTE for this Academic Year 2005-06 again proposed to make changes in the capacity of many institutions basically increasing the same after the cut off date 30th June 2005, as a result, a large number of additional seats have become available at these Institutions. In few cases AICTE has also permitted to start new Colleges after the cut off date of 30th June 2005. There are large number of students qualified, seeking admissions in these institutions but are not able to get admissions on account of non-availability of seats at these institutions in terms of the intake capacities of these institutions as on 30th June 2005.

4. In the light of the aforesaid circumstances, it is suggested by the Learned Associate Advocate General Shri Kumbhakoni that if the DTE is allowed to conduct a "Special Round of Admissions" as a special case and only for the current Academic Year 2005-06, these seats additionally created will not go waste and the student community as such will be benefited. This Special Round of Admissions is specially designed as the

originally set out admission process is almost over and only thing that has remained is actual joining of students in terms of the allotment of seats that is already made by the DTE. The Learned Associate Advocate General has placed on record a written statement containing the procedure for holding of Special Round of Admissions. The Learned Counsel appearing for AICTE as well as Counsel appearing for various institutions have no objection if the seats are filled up in the manner suggested by the Learned Associate Advocate General.

5. We accordingly direct the State Government to conduct the Special Round of Admissions for these colleges on the basis of restored capacity in terms of the statement placed on record. We, however, make it clear that this procedure would apply only for the Academic Year 2005-06 and the admissions for the next year onwards shall be governed by the order of the Division Bench dated 17th September 2001.

6. The Learned Counsel for AICTE states that AICTE in

future will abide by the cut off date 30th June.

7. Petitions stand disposed of.

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